

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

December 11, 2013



Dear :

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is examining the implementation of the Patient Protection and Affordable Care Act (PPACA).

Since the launch of HealthCare.gov on October 1, the website has been plagued by a series of technical glitches and errors. Even as some progress has been made on basic front-end functionality two months after launch, questions remain about whether the information being transmitted from the Federally Facilitated Marketplace (FFM) to insurers is accurate. According to *The New York Times*, “so-called back end systems, which are supposed to deliver consumer information to insurers, still have not been fixed.”¹ The article notes that some individuals have already called insurers believing they have signed up for coverage only to learn the company has no record of the enrollment. Some reports indicate that a “significant portion” of the records generated by the HealthCare.gov computer system contain errors, accounting for “roughly one-third” of the people who have signed up for health plans since October 1.²

Meanwhile, on November 30, the administration announced that the Department of Health and Human Services (HHS) will be using a “temporary payment process” that will make insurers responsible for estimating payments owed. Insurers are also responsible for determining how and whether to modify plan offerings in response to the administration’s recent announcement that existing policies that had previously been impermissible under PPACA could be offered for an additional year.³ The administration also has allowed insurers in three states to

¹ Robert Pear and Reed Abelson, *Insurers Claim Health Website Is Still Flawed*, NY TIMES, Dec. 1, 2013 at A1.

² Amy Goldstein and Juliet Eilperin, *Health-care enrollment on Web plagued by bugs*, WASHINGTON POST, Dec. 2, 2013, <http://www.washingtonpost.com/national/health-science/health-care-enrollment-on-web-plagued-by-bugs/>.

³ David Jackson and Jayne O'Donnell, *Obama meets with health insurance CEOs*, USA TODAY, Nov. 15, 2013, <http://www.usatoday.com/story/news/nation/2013/11/15/obama-obamacare-health-insurance-ceos/3581067/>.

participate in a pilot program to enable consumers to directly enroll for insurance via the carrier as opposed to HealthCare.Gov.⁴

In order to better understand how recent issues with the implementation of the PPACA affect your company — including problems with HealthCare.gov, changes to payment processes, and the administration's decision to permit insurance plans to be offered that do not comply with the Affordable Care Act's requirements — we ask that you contact Committee staff to schedule a briefing to occur no later than December 20, 2013. The briefing should address the following issues:

1. Your organization's experience with HealthCare.gov and the FFM. This would include a complete overview of any problems your organization has had with either HealthCare.gov or the FFM.
2. Your organization's experience with the information transmitted from HealthCare.gov and the FFM. This would include, but is not limited to, information on enrollment, the number of consumers who have paid their first month's premium, 834 transmissions⁵, and any other data transmitted between HealthCare.gov, the FFM, any state marketplace and your organization.
3. The number of plans that have been cancelled, changed, modified, or otherwise altered since passage of the PPACA in 2010, including but not limited to the number of individuals covered by these plans, the effect any modifications or cancellations on premiums a consumer can expect, and any discussions with the administration on the PPACA's effect on your products, the effects of any grandfathering rules or regulations, and your organization's response to the announcement that insurers may continue offering policies for one year that fail to meet the requirements of the PPACA.

In addition to this briefing, please provide the following documents to the Committee no later than December 20, 2013:

1. All memoranda, presentations, or any other document created on or after June 1, 2013, discussing the status of functionality of HealthCare.gov, the FFM, or any state exchange.
2. All memoranda, presentations, or any other document created on or after October 1, 2013, discussing enrollment, either through HealthCare.gov, the FFM, a state exchange, or any other method.
3. All memoranda, presentations, or any other document discussing the cancellation, modification, alteration, or any other changes to your organization's health insurance offerings since passage of the PPACA.

⁴ Jessica Wehrman, *New Pilot program will let Ohioans skip HealthCare.Gov*, COLUMBUS DISPATCH, Nov. 23, 2013, <http://www.dispatch.com/content/stories/local/2013/11/23/new-pilot-program-will-let-ohioans-skip-website.html>.

⁵ Sarah Kliff, *Obamacare's most important number: 834*, WASHINGTON POST, Oct. 23, 2013, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/10/23/the-health-care-laws-most-important-number-834/>.

4. All memoranda, presentations, or any other document, including e-mail, discussing 834s or any other information transmitted from HealthCare.gov, the FFM, or any state marketplace to your organization.
5. All memoranda, presentations, or any other document, including e-mail, referring, summarizing, or otherwise discussing any conversations with administration officials related to the PPACA, HealthCare.gov, the FFM, state marketplaces, or your organization's insurance products that your organization has been a party to since July 1, 2013.

Instructions for responding to the Committee's document request are included as an attachment to this letter. Thank you for your prompt attention to this matter. Please contact Karen Christian or Sean Hayes with Committee Staff at (202) 225-2927 to discuss a schedule for these briefings and productions as soon as possible.

Sincerely,



Fred Upton
Chairman



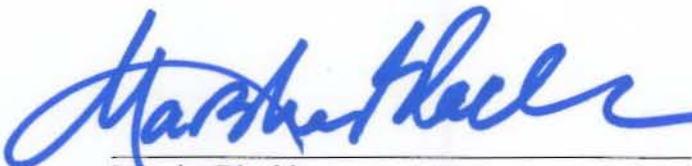
Joe Barton
Chairman Emeritus



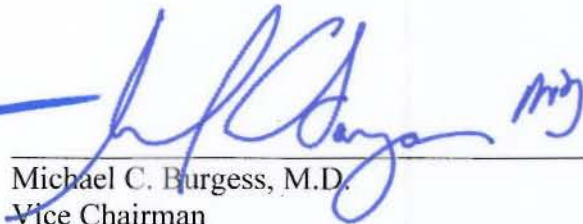
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